

# The Washington Board

*Informing Professional  
Engineers and Professional  
Land Surveyors of the events  
and developments that affect  
their professions*



# Journal

Number 36 • Fall 2005

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**Scott Valetine, PLS**  
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The Washington Board Journal is published biannually by the Washington Board of Registration for Professional Engineers and Land Surveyors, George A. Twiss, P.L.S., Executive Director.

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# Message from the Chair

*"The Message from the Chair" is a reflection of the personal opinions and experiences of the Board Chair. Comments in the article may be shared by various members of the Board, but they are not to be interpreted as a policy, position, or consensus of the Board unless specifically so indicated.*

## From Ying Fay Chan, P.E., S.E.

It is my privilege, as well as my duty, as Chair of the Board to write this column. For this, my first attempt, I intend to use a reporting format to document/discuss some recent events that will impact the way we practice our profession.

## National Structural Exam

In the Fall 2004 Journal, then Board Chair Ms. Nancy Miller-Duevel discussed the NCEES effort in establishing the Model Law Structural Engineer (MLSE) and how that may or may not affect the Washington SE Licensure process. Since then there has been a concerted effort by the Washington and California PE/LS Boards, and the Illinois Structural Board, to pursue the possibility of establishing a National Structural examination along the lines of the current WA or CA State specific exams (SE III).

At the February 2005 NCEES Board President's Assembly in Kansas City, we presented two approaches toward eventual implementation of just such an exam. First we proposed a change to the current Council policy that requires 10 states to affirm a NEED for an examination before NCEES would commit resources for exam development. The argument in support of our proposal was that the SE III would generate sufficient revenue to pay for itself. Second, we proposed that the National SE III exam use the format of either the Washington or California exam. We further offered to provide subject matter experts (SME) as well as our existing item banks to speed the implementation for the exam.

For various reasons our proposals were not favorably received. Yet the idea of a national structural exam as discussed above is still alive within NCEES. This is evidenced by the fact that the current president-elect, Martin Pederson, assigned a charge to the NCEES Examination for Professional Engineers (EPE) Committee to evaluate the need for a new Professional Ability, Knowledge and Skills Study (PAKS) on the structural examination sequence for inclusion of the new International Building Code. This study will likely reveal the need for some level of seismic design knowledge to be included in future NCEES exams.

While many steps and decisions remain before a national structural examination testing knowledge on seismic design considerations is in place, the dialogue and interest is positive. Perhaps we will be able to report to you in this column in the future that the goal has been achieved and that licensure mobility for structural engineering across the US will be more easily achieved.

## NCEES, 05' Annual Meeting... Changes in the wind

At this year's annual meeting in Memphis, TN, there was much discussion and debate over a motion by the Licensure Qualifications Oversight Group (LQOG) to change the educational requirement for licensure from a 4-year BS degree to a 4-year BS degree

*Continues on page 18*

# News to You



*Marking the end of a very important ten years as a member of the Board, Al Hebrank, Jr. accepts the Board's plaque of recognition for his accomplishments and contributions. Pictured at left is Al Hebrank, Jr., P.L.S. with George Twiss, P.L.S., Executive Director of the Board.*

## Governor Gregoire Appoints Scott Valentine, P.L.S.

In July, Governor Gregoire appointed Scott Valentine of Spokane to fill the board vacancy created with the retirement of Al Hebrank. His first term will continue until July 2010.

Scott is the owner of Scott Valentine Surveying with a practice mainly in the Eastern Washington area with some project work in Idaho and Montana for specialized clients. He attended the University of Montana until accepting a commission as a U.S Army Corps of Engineers Reserve officer from the R.O.T.C. program. He served in Vietnam and attained the rank of Captain before resigning his commission. His career in surveying began his high school freshman summer as a hired hand on a Montana ranch assisting as rod person on a topographic survey. Six decades later, after working briefly for a county government, then chain person to corporate officer for many firms, and now, the field and office person for his small business, Mr. Valentine still enjoys his work as a land surveyor. He is the Past President of the Montana Association of Registered Land Surveyors and well as the Land Surveyors' Association of Washington.

Because of the amount of work each board member must handle, Scott will not have much time get accustomed to this new assignment. His first assignments are as a member of the Board's Exam-Qualifications Committee and the Board's Land Surveying Committee. In both roles he will have a significant say in the makeup of the state's land surveying examination and the future direction of land surveying practice in Washington.

## It's Not Too Early

In the summer of 2006 one position on the Board will be subject to appointment by Governor Gregoire. That position is currently held by Nancy Miller Duevel, PE, SE. The Board will be asking that an individual who is licensed in structural engineering fill the appointment.

Are you interested in filling a role that can significantly influence the direction of engineering and land surveying practice in Washington? Do you know of someone who has the commitment to tackle the tough issues involving licensure of engineers and surveyors for at least the next five years? If so, now would be a good time to initiate the application process.

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On the Governor's website, you will find instructions and other information about how to apply for a gubernatorial appointment.

[http://www.governor.wa.gov/  
actions/appointments/boards](http://www.governor.wa.gov/actions/appointments/boards)

On the Board's website you will find background information on the eligibility requirements and the amount of time involved in fulfilling the duties as a member of the Board of Registration for Professional Engineers and Land Surveyors.

[http://www.dol.wa.gov/engineers/  
engfront.htm](http://www.dol.wa.gov/engineers/engfront.htm)

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## The Survey Results Are In . . .

You may recall that in the Spring *Journal* we had a couple of questionnaires about a variety of topics. One was specifically asking for demographic information from professional engineers who perform and have performed topographic mapping. The other questionnaire dealt on a broader scope of topics concerning customer satisfaction, on-line services, the *Journal* and other items. Here is how your colleagues responded.

### Incidental Survey Practice

1. I have been licensed as a PE in Washington for:

Less than 5 years.....	13%
5-10 years.....	24%
10-25 years.....	39%
More than 25 years .....	24%

2. My Washington license is in:

Civil.....	82%
Other .....	18%

3. If you completed an engineering degree program, and it included some land surveying courses, how many credit hours of surveying courses were included?

3.....	22%
6.....	29%
9.....	16%
10 or more.....	33%

4. Were you aware of the guiding policies regarding the practice of incidental surveying by professional engineers?

Yes.....	71%
No.....	29%

5. My practice can be best described as:

Small firm, fewer than 5 employees.....	44%
Moderate firm, 5-25 employees .....	31%
Large firm, more than 25 employees.....	25%

6. My practice primarily involves work on projects:

Within a major metropolitan area.....	24%
In suburban residential areas .....	33%
In rural/farming areas .....	29%
In remote forest lands .....	14%

7. My primary clientele can best be described as:

Private home owners .....	17%
General contractors.....	9%
Local business / Land developers.....	18%
Commercial / Industrial Businesses .....	19%
Government .....	32%
Other .....	5%

8. If you need accurate topographic mapping information and you do not have the resources or interest to perform this yourself, how do you obtain what you need?

Use the topographic information provided by my client.....	12%
Obtain what I need from public record sources .....	7%
Hire a land surveyor to perform the work I need .....	31%
Have the work done under a land surveyor employee in our firm .....	8%
Combinations of two or more of the above ....	42%

9. What factors do you consider in determining when you will perform the topographic mapping?

Complexity and accuracy of the topographic information needed.....	25%
My knowledge and competency of the work to be performed .....	21%
The resources I have at my disposal .....	18%
The impact on project schedule.....	13%
The impact on project costs.....	11%
The reliability of having it done by others .....	12%

10. If you perform this work or have it performed under your direct supervision as a PE, on average, how often do you provide this service?

No more than once a month .....	55%
2 to 3 times a month .....	11%
3 to 5 times a month .....	28%
Over 5 times a month .....	6%

11. If the Board decided to instruct PEs that topographic mapping was no longer permissible under the scope of engineering practice, to what extent would that change in policy shape your practice?

Little or none.....	11%
Some inconvenience, no additional costs to clients expected .....	5%
Moderate changes that could impact clients ...	37%
Significant impact on my practice and organization.....	45%
Not certain.....	1%



## Customer Satisfaction Survey

### How satisfied were you in the services you received?

A. The information and instructions for completing the application were understandable

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	4%	12%	48%	36%

B. You were provided an explanation of the application review process and the amount of time required to make a decision

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
4%	0%	17%	50%	29%

C. If you were found ineligible for licensure, you were provided an explanation of your appeal opportunities and the process

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	13%	13%	25%	50%

D. You received courteous and prompt service from Board staff

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
5%	0%	14%	36%	45%

E. The Board staff member you last contacted was knowledgeable and well informed.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	9%	13%	43%	35%

F. If you were required to register for examination through the NCEES/ELSEs web site, the information and instructions were understandable.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	18%	27%	36%	18%

G. If you took an examination, **and you passed**, you were given complete information on what steps and timeline remained before a license/certificate would be issued.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	12%	59%	29%

H. If you took an examination, **and you failed**, you were given complete information on what steps were required to be eligible for a subsequent examination.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	20%	60%	20%

I. You received your PE or PLS license within 2 weeks of when you were notified of having passed the examination.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	25%	45%	30%

J. You received your wall certificate within 8 weeks of when you were notified of passing the examination.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
9%	5%	23%	32%	32%

K. Overall, I am satisfied with the processing and notifications I received about my application.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	17%	42%	42%

### How satisfied were you with the online services you received?

A. The Board website displayed pertinent information.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	2%	5%	56%	37%

B. The Board website was easy to navigate.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	2%	25%	47%	25%

C. It is easy to look up information on licensees.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	4%	24%	42%	31%

D. The links included on the Board website are useful.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	7%	35%	41%	17%

E. The ability to review past *Journal* editions on the website is useful.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
2%	11%	40%	33%	13%

F. The process to renew a license online was easy to follow.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	29%	36%	36%

G. Overall, I am satisfied with the online services provided.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	14%	49%	37%

### How satisfied were you with the content and presentation of the *Washington Board Journal*?

A. The *Journal* is organized in a professional and user-friendly format.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	2%	5%	48%	45%

B. I find that the *Journal* contains information that is useful to me as a licensee.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	6%	9%	40%	44%

C. I refer back to the *Journal* for clarification of a question or a situation I have encountered.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
13%	21%	32%	22%	12%

D. I share my copy of the *Journal* with others.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
28%	23%	15%	20%	15%

E. Overall, I am satisfied in the content and presentation of the *Journal*.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
1%	3%	14%	39%	42%

### Please indicate your level of satisfaction with your most recent contact with our office.

A. The phone voice message I left was replied to within 24 hours. I was able to speak with the person I was attempting to reach.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
4%	4%	18%	39%	35%

B. I received the information I needed.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
3%	1%	6%	42%	48%

C. The staff member who assisted me was courteous.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
0%	0%	10%	33%	57%

D. The staff member who assisted me was knowledgeable.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
1%	1%	10%	38%	49%

E. The message I sent was acknowledged or replied to within one week.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
2%	0%	15%	34%	49%

F. I was able to speak directly to one of the licensed staff on a special topic of interest.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
5%	2%	21%	35%	37%

G. Overall, I was given quality service when I last contacted the Board.

Strongly Disagree	Disagree	Somewhat Agree	Agree	Strongly Agree
1%	3%	7%	41%	48%

The Board appreciates everyone who took the time to express their opinion. It is important for the Board to know how its stakeholders feel on various issues through an open and active dialogue. The *Journal* is one way to ensure we keep that goal as an integral part of our services.

## New Faces To Help Around The Office

Over the past several months our office staff has seen some changes with new staff to help with the investigations and adjudicative process. While there is always a bit of a learning curve with new staff, each has shown very quickly that their presence is resulting in much needed improvements to the work backlog.

### Robert Fuller, Investigator

Robert's background includes 4 years with the United States Air Force and 15 years in law enforcement where he served as patrol watch commander and detective sergeant. For the most recent 11 years he was executive vice-president for a large paramedic ambulance company in California.

While new to the Board program, Robert brings excellent investigative skills and experience to his new duties. Thus far he has covered significant cases involving unlicensed practice as well as complaints

alleging incompetence in engineering, land surveying and on-site designers.

Robert has been married for 38 years and has a son who is a graduate civil engineer and daughter soon to graduate from college.

### **Melissa “Jill” Short, Investigator**

Jill started with our investigation group in early October. After a brief tour of duty in the US Army, Jill went to work for the Department of Labor and Industries in August 1996 where she has been previously employed. During her time at L&I she has spent time in administrative and supervisory positions and most recently as an investigator for the Crime Victims Compensation Program.

Jill will be working with all types of complaints involving engineers, land surveyors and on-site designers. She will also give added effort to our program to restrain and control unlicensed practice.

Jill has been married for 13 years and has two daughters, ages 12 and 10.

### **Angela Hine, temporary clerical support**

Angie comes to us as a transfer from another program here in the Business and Professions Division. She responds to inquiries from applicants on licensure requirements, registration status and helps with a variety of other duties in our licensing unit. At a time when we were in serious need of additional help with handling phone calls and updating licensing records, Angie has made her presence a welcomed addition.

### **Lisa Gast, temporary investigator**

While investigating complaints is a big part of what we do, that effort produces an increased demand for expert development and processing of formal charging documents when the case manager has made that decision. At a time when we were experiencing backlogs with the processing of documents on formal charges and settlements, Lisa brings her experience with the Department of Health where she, for the last 14 years, has worked with the Dental Quality Assurance Commission as a licensing and disciplinary manager.

Lisa has been married for 25 years and has two daughters, ages 23 and 20.



*The signing ceremony for House Bill 1396 creating Continuing Education requirements for Professional Land Surveyors.*

## **Continuing Education Is Now Here For Land Surveyors**

With the extra efforts of members of the Land Surveyor's Association of Washington, HB 1396, creating the requirement for continuing education as a condition of license renewal, became state law with the signature of Governor Gregoire on April 13<sup>th</sup>.

Affecting only those licensed as professional land surveyors, this amendment to Chapter 18.43 RCW requires the Board to develop and adopt administrative rules by July 2006. Enforcement of its provisions will begin with renewals occurring on or after July 1, 2007.

Draft rules are being developed at this time and will soon be available for public comment. The initial draft of rules will be placed on the Board's website by late to mid November. Anyone wishing to express comment will be provided contact information on the website when the draft is ready.

## **Uniform Regulation Of Business And Professions Act**

As you are probably aware, the Board has had an active law enforcement program for almost 25 years. Board members, then and now, strongly believe that fair and consistent enforcement of the laws and rules of the Board benefits the public and licensees alike. The public expects regulatory boards to “step in” and correct proven problems involving professional practice. On the other

hand, licensees also expect the board to “step in” but to do so in a fair and uniform manner.

In the 2002 legislative session the Board, along with all the other licensing programs within the Business and Professions Division of the Department of Licensing, was successful in having the legislature enact the Uniform Regulation of Business and Professions Act, Chapter 18.235 RCW. Since that time, all licensing programs have experienced improved success in stemming unacceptable practice by licensees as well as strengthened controls over unlicensed practice.

As with any new law, even the best efforts of drafting and anticipating how the law would be applied can fail to address all situations. Since it was enacted, selected provisions of the act have been discovered that were not as clear as they could be, or appeared inconsistent with other provisions. Also, in the years since adoption, some administrative changes have occurred to some programs within the Business and Professions Division that are not fully addressed by the law. To ensure that all programs get to take full advantage of the URBP it became evident that amendments would be needed to capture these new program elements.

For the 2006 legislative session the Department is forwarding its “agency” request for a variety of amendments to the URBP to address and correct the defects discovered. If you are interested in reading through the bill being proposed you can find a link to the amending language on the Board’s website: <http://www.dol.wa.gov/engineers/engfront.htm>.

## As The Courts See It

The following is a Press Release from the National Council of Examiners for Engineering and Surveying (NCEES). This matter concerns litigation initiated by the NCEES against an examinee for copyright infringement and breaches of exam security.

The Washington Board fully supports an aggressive program to eliminate and punish instances where individuals attempt to circumvent the security measures on examinations. If this individual were to apply for licensure here in the state of Washington, the circumstances surrounding this infringement case would be evaluated in determining this individual’s suitability and eligibility to be registered or licensed in Washington.

Washington state law, Chapters 18.43 RCW (Engi-

neer’s Registration Act), 18.235 RCW (Uniform Regulation of Business and Professions Act) and the Board’s rules in Title 196 WAC enable the Board to take affirmative action against any individual, licensed or not, who engages in any attempt to compromise the content or security procedures of our licensing examinations.

## NCEES obtains copyright infringement judgment against examinee

The National Council of Examiners for Engineering and Surveying has obtained a copyright infringement and unfair business practices judgment against a former examinee who inappropriately and unlawfully copied questions from the NCEES Fundamentals of Engineering (FE) examination. NCEES filed the civil suit against Siavash Hakkakian of Sacramento, California, in the U.S. District Court for the Eastern District of California soon after he was convicted on a criminal misdemeanor charge of attempted examination subversion by the state of California.

During the April 2002 administration of the FE examination, Hakkakian was observed using a calculator in an odd manner. The California Board representatives who observed him during the examination believed he had altered his calculator to use as a scanner and was scanning the examination questions to remove them from the site. When he refused to let them inspect the calculator, he was dismissed and disqualified from the examination.

The state board turned the matter over to the California Department of Consumer Affairs’ Division of Investigation to conduct a formal investigation. The DOI executed a search warrant and seized one of Hakkakian’s computers from his home. Located on the computer’s hard drive were 158 examination questions that were identical or substantially similar to actual questions from previous FE examinations. The Sacramento County District Attorney’s Office filed the criminal charge of attempted examination subversion against Hakkakian. He pled no contest to the charge on September 17, 2003, and was subsequently sentenced. At its February 2004 meeting, the NCEES Board of Directors authorized NCEES staff to initiate civil action against Hakkakian.



The Stipulation of Final Judgment and Permanent Injunction was entered by the court on March 24, 2005. The judgment states that Hakkakian “infringed NCEES’s copyrights in one or more FE examination forms and its copyrights in the questions and answers contained therein” and that he “acted in a manner and with sufficient knowledge to have his actions characterized as willful copyright infringement.”

Under the terms of the judgment, Hakkakian is enjoined from registering for or taking any future administration of the FE examination or other NCEES examinations. He must also deliver to NCEES all copies of any FE exam questions in his possession and pay statutory damages agreed upon by both parties.

“NCEES is serious about exam security, and we will not hesitate to pursue legal action,” says NCEES Executive Director Betsy Browne. “Our exams are our lifeblood. Dealing harshly with individuals who refuse to respect exam security and our intellectual property rights helps ensure the integrity of the licensing process for engineers and surveyors.”

“This is also a good example of why NCEES has a strict calculator policy,” says Browne. For many years, NCEES policy has prohibited calculators with text-editing and communication abilities from the examination rooms. Of great concern is the ability to type in text, store it in memory, and then transfer the data to another calculator, personal computer, or other electronic device. Beginning with the April 2005 examinations, NCEES extended the ban to all calculators not on a short list of approved calculators to reduce confusion among examinees and proctors.

A primary function of NCEES is to prepare standardized, confidential licensure examinations administered nationally every April and October. State boards use the examinations to help determine the competency of individuals seeking to become licensed to practice as professional engineers and surveyors. NCEES also provides examination scoring and administration services to licensing boards, as well as a variety of other products and services to engineering and surveying professionals. NCEES headquarters is located in Clemson, S.C.

If you have any questions about the details of this case please direct those inquiries to Mr. Jerry Carter, Associate Executive Director, NCEES, [jcarter@ncees.org](mailto:jcarter@ncees.org).

## The Washington Board Journal Questions & Answers



### Plans altered after they were stamped.

#### QUESTION

*I have delivered a set of plans to my customer (Federal Agency) in agreement with the contract for A/E services. The plans were prepared by me and contain my seal and signature as a Washington professional engineer. While we do not have a dispute on the contract or the services provided, the customer has altered my plans without my consent or review. The customer believes the agency is the owner of the plans and can do with them as they wish. They simply had changes they wished to make that were beyond the scope of the contract. They did not want to modify the contract agreement to have me make or approve the changes. What should I do?*

#### ANSWER

This situation presents several issues that should be addressed. First is the ownership of the plans. While the Board does not have the ability to settle contract disputes in its regulatory authority, it is their belief that the ownership of the plans hinges on the terms of the contract you had with the client. If you were contesting their assertion of ownership it would be advisable to consult with an attorney who could review your position in this contract.

Second is whether the client has any privileges to revise the plans without your consent. Leaving the disposition of ownership out for this discussion, it would be the position of the Board that **IF** they have authority to make changes, that the changes should be done under the direct supervision of a Washington professional engineer. Of course this presupposes that the changes are of an engineering nature and the application of the design will be for a “project” in Washington State. It further assumes that the “project” is not on or part of a federal

enclave such as a military base.

Finally, is the question of whether you assume any responsibility for the plans after they were changed. In the opinion of the Board, if the technical work you performed is not at question, you have apparently fulfilled your obligation, both in terms of the contract requirements and your professional responsibility in the eyes of the Board. You would not be expected to be responsible for engineering work you did not supervise or approve. It is a suggestion that you may wish to formally notify your customer to inform them that you will not accept any responsibility for the changes or the over all impact those changes may have had on your original design. This as well should be done following advice of legal counsel.

#### QUESTION

*Do the answers given above change if the client in question is not a federal agency but is a private owner/developer?*

#### ANSWER

NO. With the exception to the references to federal enclaves, the explanations and comments above would still apply.

#### QUESTION

*When a second engineer is retained to make changes to another's design, doesn't the second engineer have an obligation to notify the engineer of record?*

#### ANSWER

NO. However, aside from the standard requirement for engineering work to be performed under the direct supervision of a professional engineer, there are three specific obligations in the Board's Rules of Professional Conduct and Practice that apply.

(WAC 196-27A-030)(3):

(a) If registrants issue statements, critiques, evaluations or arguments on engineering, they shall clearly indicate on whose behalf the statements are made.

(b) Registrants shall negotiate contracts for professional services fairly and on the basis of demonstrated competence and qualifications for the type of service required.

(c) Registrants shall respond to inquiries from other registrants regarding their work in a timely, fair and honest manner as would be expected from a prudent practitioner.

### Geotechnical Engineers and Engineering Geologists

#### QUESTION

*What is the difference in the scope of practice between a professional geotechnical engineer and a professional engineering geologist?*

#### ANSWER

An engineering geologist is an earth scientist who has specialized knowledge in the application of geologic principles to civil works. A geotechnical engineer is an engineer who has competency in the design and construction aspects of earth materials. Both professions share many of the same knowledge, skills and abilities. Each field, however, has particular strengths. Engineering geologists typically have greater skills in characterization of geologic conditions and processes, and in evaluation of how processes will be affected or will affect a specific development activity. Geotechnical engineers will typically have greater skill in development of site-specific designs for structures and systems that incorporate geotechnical criteria.

### Correction to previous Q & A

On page 10 of spring 2005 Board Journal, we had published a Question and Answer about the stamping of documents. In the second part of the answer we stated that because calculations are part of the final document submitted for review, that all pages of the calculations needed to be stamped.

While stamping all pages of a set of calculations is permissible it is NOT a requirement imposed by Board rules or state law. It is sufficient for the cover or front page of a set of calculations to be the only page bearing the seal of the professional engineer.

# On-Site Designer Licensing

## Board Bids Farewell to On-Site Advisory Committee Member

This October marks an end to the second term of Jerry Stonebridge as a member of the On-site Designer Licensing Advisory Committee. Jerry was one of the original members who helped make the On-site program the success it has become. Even before the On-site program was created, Jerry and others were active participants in work groups that were organized to study the viability of a statewide licensing program for the on-site wastewater industry. As a long time system designer from Whidbey Island, Jerry brought significant expertise and perspective on local, regional and national discussions concerning the on-site disposal of wastewater.

Even with his retirement from service to the On-site Advisory Committee, Jerry will have plenty to keep him busy with his work with the Washington On-site Sewage Association, the Washington Dept. of Health and nationally, as the President-elect of the National Onsite Wastewater Recycling Association.



*Last spring the Board gave recognition to three individuals who were instrumental in the development of the On-site Wastewater Designer Licensing Program. Pictured from left: Paul Gruver, Licensed Designer, SOILTECH, Port Angeles; Joe Vincent, Program Manager for On-site Program; George Twiss, Executive Director of the Board; and Larry Fay, King County Environmental Health Dept.*

### Engineers

	Total	Pass	% Pass
Fundamentals of Engineering (EIT)	482	310	66%
Principles & Practice of Engineering			
Architectural	2	1	50%
Chemical	9	3	33%
Civil	239	140	59%
Electrical	42	21	50%
Environmental	5	3	60%
Mechanical	57	33	58%
NA/ME	6	5	83%
Structural II	27	14	52%
Fundamentals of Land Surveying (LSIT)	38	24	63%
Principles & Practice of Land Surveying			
NCEES (6-hour)	23	18	78%
WA Specific L S (2-hour)	42	19	45%
On-site Designer	11	0	0%
On-site Inspector	10	1	10%



# Investigations & Enforcement

## Statistics of Actions Taken by the Board

### JANUARY 1, 2005 THROUGH JUNE 30, 2005

Active investigations as of January 1, 2005	64
Investigations Opened	24
Investigations Closed	21
Active Investigations as of June 30, 2005	67

### SUMMARY BY MONTH:

	Complaints Received	Inquiries Received	Investigations Opened*
January	11	1	5
February	7	1	4
March	3	1	3
April	9	1	6
May		No Meeting	
June	16	3	6
<b>Totals</b>	<b>46</b>	<b>7</b>	<b>24</b>

\* Investigations can be opened by either a complaint or an inquiry received.

### SUMMARY BY PROFESSION AS OF JUNE 30, 2005

	Active Investigations	† Compliance Orders
Prof. Engineers	20	1
Prof. Land Surveyors	16	1
Unlic. Engineers	5	5
Unlic. Land Surveyors	9	0
On-site Designers	17	0
<b>Totals</b>	<b>67</b>	<b>7</b>

† Given the issuance and acceptance of the Agreed Order, the case manager is recommending that the investigation be closed and the file referred to compliance monitoring.

## Summaries of Investigations and Actions by the Board

In the following case summaries, you will read the disciplinary actions against licensees and respondents from January 1, 2005 to June 30, 2005. In each disposition the Board accepted the recommendations of the case manager, unless stated otherwise. For those cases involving the issuance of a Board order, each individual will be monitored for compliance.

These summaries are not intended to disclose complete details related to any given investigation or action. While every effort is made to ensure accuracy of the information shown, anyone intending to make a decision based upon this information should contact the Board's compliance officer, John Pettainen, at (360) 664-1571 for available details.

### FORMAL ACTIONS:

#### David Lervik, PE • Case No. 02-11-0002

The Board's investigation of David Lervik, PE was based on allegations of unprofessional conduct regarding the awarding of a city contract to an engineering firm that employed a PE who was involved in a personal relationship with Mr. Lervik. Mr. Lervik admitted that in his activities related to the competitive bid process for the city contract, he failed to avoid all known or potential conflicts of interest and failed to disclose to his employer a conflict of interest which could influence the decision by the city in awarding the contract to her employer.

It was the case manager's opinion that Mr. Lervik's conduct failed to meet the expectations of a professional engineer. As a result, the case manager authorized the issuance of Statement of Charges. Subsequently, through a series of discussions, Mr. Lervik was offered and accepted a settlement opportunity through a Stipulated Findings of Fact, Conclusions of Law and Agreed Order ("Agreed Order"). Terms of settlement included a reprimand, \$500.00 administrative fine, and completion of an ethics course through Texas Tech University.

## **Frederick Skinner, PE, PLS**

### **Case No. 03-12-0002**

The Board investigated Frederick Skinner, PE, PLS based on a complaint that alleged he performed a survey in 1994 and failed to file a record of survey. Investigation activities showed that the subject survey performed was a retracement of a 1976 survey of the same parcel performed by Mr. Skinner. While there was a suspicion that a resurvey, 20 years after the original survey was performed, would have revealed information that would necessitate a recording, the case manager found no specific evidence to that effect. However, in the course of this investigation, Mr. Skinner failed to respond to three letters written by the Board's investigator to obtain information related to this matter. While the allegations for lack of compliance with the Survey Recording Act are not substantiated, the case manager authorized the issuance of a Statement of Charges for Mr. Skinner's failure to respond to the Board.

Mr. Skinner did not answer the Statement of Charges and the Board held a default hearing on June 23, 2005. As a result of that hearing the Board issued a Findings of Fact, Conclusions of Law and Default Order that assessed Mr. Skinner a five hundred dollar (\$500) fine to be paid within thirty (30) days.

## **Maxwell B. Meyring**

### **Case No. 04-05-0001 & 04-11-0006**

Board staff obtained information from two property owners that Maxwell B. Meyring engaged in the unlicensed practice of land surveying. Since Mr. Meyring had previously had his license revoked by the Board, investigations were opened to determine what surveying activities were performed. In the first investigation it was revealed that Mr. Meyring accepted the survey work; negotiated the fees; invoiced and received the retainer fees; and set two stakes identified as Lot Corners with orange flags. The second investigation disclosed that Mr. Meyring performed survey activities to set corners using survey caps of another licensee. While the licensee claimed he reviewed Mr. Meyring's survey map, the property owner had no knowledge of the licensee's involvement nor did he discuss the survey with him.

Given the above information, the case manager authorized the issuance of a Notice of Intent to Issue a Cease and Desist Order (NOICD) Mr. Meyring

responded to the NOICD waiving his right to a hearing and admitted to the stated alleged facts and allegations. The Board held a hearing by default and issued a Findings of Fact, Conclusions of Law, Permanent Cease and Desist Order-Default ordering Mr. Meyring to permanently cease and desist from the practice of land surveying and assessed a monetary fine of five thousand (\$5,000) dollars.

## **Sultan Abu Allan • Case No. 04-09-0003**

The Board initiated this investigation when Mr. Allen presented a business card representing himself and his firm Sultan Design as being able to perform on-site wastewater treatment design services in the state of Washington. Said representations identified Mr. Allan as a "Certified Designer" and the services he can offer and/or perform to include "Septic System Design-Soil Analysis-Water System Group B (Wells)-Site Evaluations." As Board records disclosed that Mr. Allan was not licensed as an on-site wastewater treatment designer, the case manager authorized the issuance of a Notice of Intent to Issue Cease and Desist Order.

In response to the Notice of Intent to Issue Cease and Desist Order, Mr. Allan submitted numerous documents showing that he was performing on-site work under the direct supervision of a professional engineer (PE). He further stated that all business cards for his firm Sultan Design had been destroyed. In addition to Mr. Allan's documentation, the PE who Mr. Allan identified as providing direct supervision of his on-site work provided a response explaining their working relationship.

Given that Mr. Allan was working under the direction of a PE, the case manager recommended the withdrawal of the Notice of Intent to Issue a Cease and Desist Order.

## **INFORMAL ACTIONS:**

### **Engineering**

#### **Case No. 00-09-0004**

This investigation prompted by a complaint from a client of a professional engineer (PE) alleged that the PE and/or his firm failed to adequately design his project's off-site drainage system to meet the new City retention/detention standards; prepared erroneous drainage calculations; charged fees in excess of quoted estimates; and, failed to timely respond to inquiries.

The case manager found that the issues presented did not require further action by this Board as the issues presented involved either contract/fee disputes, which are outside the jurisdiction of the Board, or were unsubstantiated.

#### **Case No. 04-04-0002**

This Board investigation was opened when a copy of a letter to the Department of Licensing was received, stating that the business license for a sole proprietorship offering engineering services was fraudulently obtained, and a professional engineer (PE) was named as the individual associated with this business. During the course of the investigation, the subject sole proprietorship was closed and the PE registered a new sole proprietorship under his own name.

Given that the issues presented have resolved themselves and the PE is now in compliance with laws and rules related to engineering, the case manager recommended the case be closed with no further action.

#### **Case No. 04-06-0007**

This investigation was opened based on an inquiry that alleged two staff members and/or their employer may be engaging in the unlicensed practice of engineering. Of issue was whether the business cards used by the two individuals, that showed their credentials as a Metallurgical Engineer and Forensic Engineer, represented their services, or those of the firm, as being able to offer engineering services without a professional engineer on staff.

The case manager found that while the individuals may reference the credentials “engineering” on their business cards in conjunction with the firm’s activities, no evidence was found to substantiate engineering services were performed by the firm. From all the information received, it appeared that the firm is a testing and analysis firm.

Given these findings, the case manager recommended to the Board to close the case with no further action. However, it was also recommended that the closure letter to the firm and its employees advised them that the subject business cards be changed to appropriately reflect the firm’s business activities.

#### **Case No. 05-03-0002**

This Board initiated investigation was opened upon notification that an individual and/or his firm may

be offering engineering services without a licensee on staff or a Certificate of Authorization. Said information related to the firm’s “Request for Quotation – Drainage Study & Erosion Control Plan” sent to a land surveying firm for a church project.

Upon being notified of the complaint, the individual provided an immediate response to the Board explaining the firm’s business activities; his role in those activities; and, that the firm’s name had been changed to remove the term “engineering.” After review of the investigation file, the case manager decided that the firm’s activities did not constitute engineering and the other concerns of the Board were corrected when the individual changed his firm’s name and any reference to the term “engineer” in his title.

Given that the firm is not offering engineering services and is now in compliance with the Board’s rules and laws, the case manager recommended that the investigation be closed with no further action.

#### **Case No. 05-04-0005**

This investigation involved allegations that a PE hired to perform the engineering for a proposed short plat overcharged for his engineering work and asked for additional fees for work that should have been completed. The Practice Committee, upon review of the allegations and the response from the PE, decided that the issues presented were fee and contract disputes outside the Board’s jurisdiction. However, since the issues presented dealt with a short plat, an investigation was opened to determine if a PLS was involved in the short plat process.

Investigation activities revealed that two surveyors were involved in this short plat project. The first surveyor performed topographic work and boundaries. Due to a contract dispute the PLS’s services were terminated and a second surveyor was hired and is still involved in the project.

Given that a PLS has been involved in the complainant’s project, the case manager recommended the case be closed with no further action

### **Land Surveying**

#### **Case No. 03-11-0005**

This investigation, initiated by a complaint submitted by a city agency, alleged a professional land surveyor

*Continues next page*

(PLS) and or his firm was deficient in the land surveying activities performed within the city limits for a state agency. Alleged deficiencies included that the monuments set did not contain the respondent's LS certificate number as provided for in the Survey Recording Act and that no Record of Survey was prepared and filed showing the survey work performed. In response, the PLS stated that while monuments set should possibly have included his LS number, he was following the instructions and contract provisions set forth by the state agency.

While the case manager felt the PLS should have identified the monuments with his LS number and filed a Record of Survey, he recognized that there is a clear exemption to the Survey Recording Act for survey work performed for state agencies. Consequently, since there is an exemption to the recording of the survey, the requirement to place the certificate number on the monuments is also at issue since that requirement only exists in the context of performing and recording a survey.

Because of the ambiguity in this area, the case manager concluded that there is no basis to pursue disciplinary action.

#### **Case No. 04-02-0002**

This investigation, prompted by a complaint from a licensed surveyor, alleged that a 1993 record of survey prepared and recorded by another professional land surveyor (PLS), did not comply with minimum standards and failed to address key issues such as references to right-of-way deeds, basis of bearing data, etc. In response, the PLS contacted Board staff and indicated that he was reviewing his survey and while he refuted some of the allegations, he did concede to some of the points made and agreed that an Amended Record of Survey should be filed.

The PLS prepared an amended survey for Board review. The case manager, directed the PLS to record the survey.

#### **Case No. 04-06-0002**

This investigation was based on a complaint that alleged a professional land surveyor (PLS) in performing a survey for the complainant's adjoining failed to properly locate the complainant's NE property corner. The PLS reestablished the NE property corner; how-

ever, a subsequent survey by another firm found the original concrete marker that established the subject corner. As a result, two monuments, some 7' apart, marked the same NE property corner.

The PLS was notified of this issue and immediately reviewed his survey activities. After that review he accepted the found concrete corner; removed his previously set monument and submitted an Amended Record of Survey for Board review. The case manager, found that it appeared to meet the requirements of state law and addressed the issues presented in the complaint.

#### **Case No. 04-06-0006**

This Board generated investigation was prompted by a copy of a county agency letter to a PLS concerning his recording of a condominium survey without obtaining prior approval for a land division from the county. Said letter further directed that the PLS withdraw his survey from county records. Through a series of communications between the PLS's attorney and the county agency related to this issue, references were made to the Washington Condominium Act (WCA) and the Growth Management Act (GMA).

The case manager, after review, found that this is a subdivision issue that falls under the County's jurisdiction and outside the Board's authority.

#### **Case No. 05-01-0003**

This investigation, initiated by the Board, was the result of staff's review of a record of survey submitted during the course of another investigation. As this review showed the subject survey failed to meet minimum standards, the PLS was notified and immediately submitted a preliminary Record of Survey for Board review. The case manager found the ROS, in part, failed to provide a clear explanation for an offset monument, the basis of bearing, and, note the itemized changes to the original survey map. Subsequently, a second revised preliminary ROS was submitted to the Board office. Said ROS was found to meet the minimum requirements of state rules and laws.

#### **Case No. 04-09-0004**

This investigation was opened based on a complaint from a county agency alleging that a PLS received county approval for easement documents on April 23, 2004, said documents were revised July 15, 2004 and



submitted to the Auditor's Office for recording without receiving county approval of the revisions. Of issue was who attached the April 23, 2004 county approval letter to the easement/legal description documents.

In the PLS's response, he admitted he prepared the initial easement documents and the revisions but claimed he provided those documents to the Title Insurance Company for submittal. As no evidence was found to substantiate the allegations, the case manager recommended the investigation be closed with no further action.

#### **Case No. 05-01-0004**

This investigation, prompted by a complaint from a property owner, alleged that a 1989 record of survey prepared by a PLS failed to explain the procedures he used to stake the lots shown. As a result, the common line between the complainant and his adjoiner was relocated some 4' onto the complainant's property. Upon being notified of the complaint, the PLS provided a response explaining his survey activities and acknowledging that the subject 1989 survey may not have detailed his procedures to stake the lots.

The PLS prepared and submitted a preliminary AROS for Board review. The case manager, after evaluation of the preliminary AROS, found that it appeared to meet the requirements of state law and addressed the issues presented in the complaint. Subsequently, the PLS was directed to record the AROS and a copy of said recorded document has been received by the Board office.

#### **Case No. 03-11-0008**

This investigation involved complaints from two (2) property owners that alleged a 2002 survey performed by a professional land surveyor, failed to use historical data; located property lines incorrectly; failed to remove his stakes; and failed to record a survey. Investigation activities disclosed that the PLS did set property corners with his caps, however the property owners did not like the location of the property lines and hired another surveyor. Subsequently, the PLS removed his caps and the second surveyor used the respondent's pins. In regards to the filing of the survey, the PLS felt the survey was of a preliminary nature with possible litigation being pursued.

Given that the survey performed by the PLS could

have been considered preliminary, his survey caps were removed and no payment was received, the case manager recommended that the case be closed with no further action.

#### **Case No. 05-01-0002**

This investigation involved allegations from a property owner that an individual, not licensed with the Board, was engaged in the unlicensed practice of land surveying. The complainant claimed that initially this individual claimed he was working under the direction of a PLS; however, the PLS denied a working relationship with the respondent. Investigation activities did reveal that the respondent engaged in the unlicensed practice of land surveying for several property owners. Despite numerous contacts to various friends, relatives, and local agencies, the respondent was unable to be located. The latest information is that he may have returned to North Dakota.

Given that the respondent cannot be located, the case manager recommended the case be closed with no further action. However, if the Board should be informed that the respondent has returned to Washington, the case should be reopened.

#### **On-Site**

#### **Case No. 03-01-0003**

This investigation, initiated by a complaint from a health department, alleged that an individual, not licensed with the Board, engaged in fraud and the unlicensed practice of on-site septic system design. Said allegations related to the unlicensed individual making revisions to an approved on-site design prepared by a licensed designer by modifying the specified aerobic treatment unit (ATU). The modified design was subsequently submitted to the health department using a facsimile of the original designer's seal and signature. The unlicensed individual denied making any changes to the design.

The case manager found that the allegation of fraud by an unlicensed person is outside the jurisdiction of the Board. The alleged activities, which were the basis of the complaint, occurred prior to January 1, 2003, when the URBP, chapter 18.235 RCW, became effective. There is evidence of unlicensed practice; however, the identity of the offending party is disputed. Further-

more, in the opinion of the case manager this was an isolated incident and the potential harm to the public of this specific instance has been mitigated as the system

has been installed with the observation of the original designer and is operating. The case manager recommended that the case be closed with no further action.

*Continued from page 2*

## Message from the Chair

plus 30 credit hours. They also reinforced the position that the degree and the additional 30 credit hours would have to be from an accredited program by EAC/ABET. Interestingly enough, while some very good arguments were raised in the floor debate, including those in opposition, the motion on this change was passed. The next step is that the requirement be written into the Model Law and Model Rules by the Committee on Uniform Procedures and Legislative Guidelines. That committee's proposed language will come before the full NCEES Council next fall for adoption. The Washington delegation voted against the LQOG proposal and will oppose the next vote as well based primarily on the fact that Washington does not have a requirement for a degree to obtain a license in engineering. If this initiative is to come to fruition, how it will affect our licensees with regard to comity is unknown.

Another work in progress by NCEES is the report by the Engineering Licensure & Qualifications Task Force (ELQTF) that developed a new Licensure Model to address the perceived deficiency of the current model, which is believed to contribute to the low participation of engineering practitioners in the pursuit of licensure. The proposed model will offer progressive steps with awards of licenses and titles leading to the eventual PE standing. It starts with the title of "Graduate Engineer" for those with an EAC/ABET Degree. After passing of the Fundamental of Engineering (FE) exam candidates would have a new title of "Associate Engineer". With the accumulation of 4 years qualified experience, 3 years with the MS Degree and 2 years with a PhD, candidates will get a title of "Registered Engineer". Finally, once an individual becomes eligible to sit for, and passes, the professional practice examination they would hold the title of "Professional Engineer". Other than the title "Professional Engineer" the titles proposed are still being discussed and have not been finalized. However, none of the three intermediate level engineer titles would enjoy the privilege of independent practice or stamping of plans but would, nonetheless, be subjected to the state board's regulatory jurisdiction.

At the annual meeting the Council did not approve the new licensure model as described here and referred it back for further study. At this time my observation is that

NCEES members are split on this, and among members of our Board the belief is that this proposal will not achieve it's stated goal. Even worse, it may cause confusion with the public and make enforcement against unlicensed practice far more difficult.

### Board Activities

At this time, rules and guidelines for Continuing Education are being developed for On-Site Designers and Professional Land surveyors. It is anticipated that all such rules will be in effect by July 2006 with compliance being applied on July 1, 2007. Professional engineers who perform on-site designs are encouraged to obtain CE for on-site design activities even though there is no requirement for it. Professional engineers who are also licensed as professional land surveyors are required to meet the CE requirement for land surveying if they expect to continue surveying practice.

In the Spring 2005 Journal, an article was published offering general information regarding the long-standing Board policy of permitting PEs to perform LIMITED topographic survey mapping when such survey work is incidental to the overall responsibility of the engineer for the project. However, the appropriateness and/or authority for this policy was questioned by the Board's AAG a couple years ago based upon his reading of the current and past language in Chapter 18.43 RCW, the Engineer's Registration Act. A subsequent survey of stakeholders conducted by the Board yielded rather understandable results. Of those responding, land surveyors believed the practice should be discontinued while engineers want to keep the status quo. The Board's Practice Committee has been assigned the task of developing new rules or policy on this topic. No timeframe is set but when draft language is available we will distribute it for comment.

The objective of my writing of these items and/or discussions of the issues are mainly to inform, but admittedly, is also a disguised attempt to invoke further discussions and thoughts from our readers. To that end I will be very expectative and appreciative of comments to come, and I am sure the Board will be as well.

# Schedules

## Examination Schedule

### Fall – 2005 Administration

Examination	Type	Examination Date	Application Deadline
Architecture, Chemical, Civil, Electrical, Environmental, Mechanical, NA/ME, and Structural II Engineering	NCEES	Friday April 21, 2006	Wednesday December 21, 2005
Forest Engineering	State	Friday April 21, 2006	Wednesday December 21, 2005
Land Surveying (6-hour)	NCEES	Friday April 21, 2006	Tuesday December 21, 2005
Land Surveying (2-hour)	State	Friday April 21, 2006	Tuesday December 21, 2005
Fundamentals of Engineering & Fundamentals of Land Surveying	NCEES	Saturday April 22, 2006	Thursday December 22, 2005
On-Site Wastewater Designer / Inspector Certification	State	Saturday April 22, 2006	Thursday December 22, 2005

## 2006 Calendar of Events \*

### JANUARY

18-19	Committee & Board Meeting	<i>La Quinta Seatac, WA</i>
14-14	NCEES Committee Meetings	
26-28	NCEES Committee Meetings	

### FEBRUARY

15	Practice Committee Meeting Teleconference	
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### MARCH

1-4	LSAW Conference	<i>Vancouver, WA</i>
8-9	Committee & Board Meeting	<i>Olympia Board Office</i>

### APRIL

21-22	Examinations	<i>Various Locations</i>
26-27	Committee & Board Meeting	<i>LaQuinta Tacoma, WA</i>

### MAY

3-6	NCEES Committee Meetings	
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### JUNE

1-3	NCEES Western Zone Meeting	<i>Santa Fe, NM</i>
14-15	Committee & Board Meeting	<i>Tri-Cities</i>

### AUGUST

2-3	Committee & Board Meeting	<i>LaQuinta Tacoma, WA</i>
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### SEPTEMBER

6-7	Committee & Board Meeting	<i>Spokane Airport Ramada</i>
12-16	NCEES Annual Meeting	<i>Anchorage, AK</i>

### OCTOBER

14-14	APEGBC Annual Meeting	
19-19	Committee & Board Meeting	<i>La Quinta Tacoma, WA</i>
27-28	Examinations	<i>Various Locations</i>

### NOVEMBER

29-30	Committee & Board Meeting	<i>LaQuinta Tacoma, WA</i>
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### DECEMBER

20	Practice Committee Meeting Teleconference	
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\*Locations and dates shown are subject to change. Please confirm by visiting the board Web site at:  
<http://www.dol.wa.gov/engineer/engfront.htm>



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